

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated November 4, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-21 are pending in the Application. Claims 1, 19 and 20 are independent claims.

In the Office Action, claims 1-21 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. This rejection of the claims is respectfully traversed. However, in the interest of advancing consideration and allowance of the pending claims, the claims are amended as recommended by the Examiner. Accordingly, it is respectfully submitted that the claims are in proper form and it is respectfully requested that this rejection be withdrawn.

Claims 1-11, 15-19 and 20-21 are rejected under 35 U.S.C. §102(e) over U.S. Patent Publication No. 2004/0083490 to Hane ("Hane"). Claims 12-14 are rejected under 35 U.S.C. §103(a) over Hane in view of "Innovations: [Daily Edition]" by Nicky Blackburn ("Blackburn"). These rejections are respectfully traversed. It is respectfully submitted that the claims are allowable over the prior art references for at least the following reasons.

In contrast with the prior art, the independent claims recite "if the preference value is not set high, recommending the content item having at least one first characteristic with an associative correspondence to at least one second characteristic of at least one previously received content item having the user preference set high". In accordance with this recitation, the present system provides for recommending a non-preferred content item

having some characteristic in common with one other preferred content item. Note that in accordance with the present system, the selection is not performed based on the user characteristics but rather only on some mutual characteristic between the preferred and non-preferred content items.

It is respectfully submitted that Hane does not teach, disclose or suggest at least this recitation of the claims. The Office Action takes a position on pages 5, 6, 7, and 8 that paragraphs [0140] and [0148] and [0093]-[0132] of Hane disclose this recitation of the claims. However, it is respectfully submitted that a close inspection of the referenced paragraphs and review of the arguments and the Response to the Arguments section of the Office Action does not support this position of the Office Action.

Hane in paragraph [0140] only discusses proceeding to step S305 if the keyword of the selected component is not registered. Paragraph [0148] discusses sorting programs to be recommended to the user by the evaluation values PRj. It is respectfully submitted that NONE of the steps discussed in the referenced paragraphs of Hane teach, disclose, or suggest, the above quoted claimed recitation. Furthermore, the argument at the bottom of page 5 of the Office Action is not supported by the disclosure of the referenced paragraphs.

Once again the Office Action has maintained the rejection based on paragraphs [0093]-[0132] of Hane. These paragraphs, as explained in the Office Action show learning a user preference by first laying out the groundwork of vectors (see paragraphs [0093]-[0109]), including (1) learning user preferences, (2) acquisition of cast, channel, type, etc., (3) analysis of the data, (4) creation of vectors, (5) examples of steps 1-4, and a disclosure of how these steps are performed. In paragraphs [0110]-[0132] Hane shows taking into

account the plurality of various profiles in order to create specific learned preferences; an example of analysis to determine which programs would best satisfy the user's preference; using an assigning values to determine which programs best satisfies the user's preference; how the analyzed information is stored so that it can be used to recommend programs based on the user preferences. It is respectfully submitted that NONE of the steps discussed in the referenced paragraphs teach, disclose, or suggest, selection that is performed based a mutual characteristic between the preferred and non-preferred content items.

This difference is apparently recognized by the Office Action in that on page 6, the Office Action concludes that (emphasis added) "one of ordinary skill in the art would have recognized that the system is providing a ranking system according to a user's profile and determining the relevance that each program has according to the information that is stored in the user profile."

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Hane. For example, Hane does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "if the preference value is not set high, recommending the content item having at least one first characteristic with an associative correspondence to at least one second characteristic of at least one previously received content item having the user preference set high" as recited in claim 1, and as substantially recited in each of claims 19 and 20.

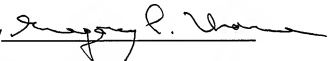
Based on the foregoing, the Applicants respectfully submit that the independent claims are patentable and notice to this effect is earnestly solicited. The dependent claims

respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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February 2, 2011

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